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9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11 MANUEL MENDOZA,
12 Petitioner,

13 v.

14 JEANNE WOODFORD, Warden of
15 California State Prison at San Quentin,
16 Respondent.

17 } Case No.: CV 03-06194-SJO

18 } **DEATH PENALTY CASE**

19 } PETITIONER'S UNOPPOSED
20 } REQUEST FOR 30-DAY
21 } EXTENSIONS OF TIME IN WHICH
22 } TO FILE TRAVERSE AND
23 } PHASE III PROPOSED BUDGET;
24 } DECLARATION OF DARLENE
RICKER

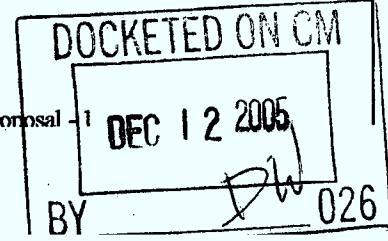
25 } [PROPOSED] ORDER LODGED

26 Petitioner Manuel Mendoza, by and through his attorneys of record, hereby
27 requests 30-day extensions of time in which to file his Traverse and his Phase III
28 [Proposed] Budget. This request is unopposed and is based upon the attached
declaration of Darlene Ricker.

Respectfully submitted,

Darlene M. Ricker
Darlene M. Ricker

Counsel for Petitioner Mendoza



DECLARATION OF DARLENE RICKER

I, DARLENE RICKER, state and declare as follows:

1. I am an attorney duly licensed to practice law in the state of California and before the bar of this Court. All of the facts stated herein are true of my personal knowledge or upon belief and information and if called upon to testify thereto, I could and would do so competently.
 2. This declaration is made in support of Petitioner's Request for 30-Day Extensions of Time in Which to File Traverse and [Proposed] Budget.
 3. This request is unopposed. On December 5, 2005, counsel for Respondent and I exchanged voice mail messages regarding the extension of time requested herein to file the traverse. Deputy Attorney General Scott Taryle, who is handling the instant case during the temporary absence of DAG Paul Roadarmel, stated that Respondent has no objection to the requested extension.
 4. On November 18, 2005, Respondent filed an Answer to the petition for writ of habeas corpus. In the absence of an Order specifying the due date for an optional traverse, counsel presume that the traverse should be filed within 30 days after service of the Answer (on or before December 19, 2005).

1 5. By Order of the Court dated March 10, 2005, petitioner's [proposed]
2 Phase III budget is due 20 days after the filing of Respondent's
3 responsive pleading to the petition for writ of habeas corpus.

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5 Accordingly, the current due date for the proposed budget is
6 December 8, 2005.

7 6. Karyn Bucur and I, as co-counsel for Petitioner, ("counsel") have had
8 telephone discussions with regard to preparation of the traverse and
9 the [proposed] budget. While we have worked diligently and made
10 progress, we are unable to timely file the traverse or budget proposal.

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12 We need the additional time requested to do so for the following
13 reasons:

14 7. November and December 2005 have been extremely busy periods for
15 both counsel, specifically:

16
17 (a) For most of November, I was involved in intense pretrial
18 preparation on two related complex multi-defendant cases, *United*
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20 *States v. Gardner, et al.* (# CR 04-425C-AHM) which was set for
21 trial November 15, and *United States v. Maxwell, et al.*, (# CR 04-
22
23 732D-RSWL), which was set for trial December 6. Both cases
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25 were expected to go to trial but were disposed of with regard to my
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27 client, Sylas Brownridge, several days before trial. By the time my
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responsibilities on the *Brownridge* cases concluded, Ms. Bucur was out of state;

(b) Ms. Bucur informed me as follows: She was in New York City from November 29-30 to attend a moot court at New York University. From November 30 through December 6, she has been in Washington, D.C., as counsel of record in a case being argued before the United States Supreme Court (*Rice v. Collins*, 04-52).

8. For the remainder of December, owing to my court schedule and the Christmas holidays, Ms. Bucur and I will not be in town at the same time for any period of time that would allow us to productively work on the traverse or the budget. I have a series of court appearances through December 12, when I leave for a prepaid vacation, returning December 17. I will be again out of town Dec. 20-21 on another case.

Ms. Bucur will be away on a prepaid vacation from December 23-30.

9. Based on the foregoing, it is impossible for counsel to properly prepare the budget proposal and draft the traverse within the currently established deadlines. We have calendared the first two weeks of January 2006 to do so, which is our first available time period.

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10. Therefore, we respectfully request an additional 30 days in which to file the Phase III proposed budget (up to and including January 9, 2006) and the traverse (up to and including January 18, 2006).

Executed this 6th day of December, 2005, under penalty of perjury
under the laws of the United States of America, at Malibu, California.

Darlene Ricker
DARLENE RICKER

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action; my business address is 25019 Pacific Coast Hwy., P.O. Box 2285, Malibu, California 90265.

As a member of the bar of this Court, I served the foregoing document described as:

“PETITIONER’S UNOPPOSED REQUEST FOR 30-DAY EXTENSIONS OF TIME IN WHICH TO FILE TRAVERSE AND PHASE III PROPOSED BUDGET; DECLARATION OF DARLENE RICKER”

on December 7, 2005, on all interested parties in this action as follows:

(x) By personal service, I delivered said document to the office of the addressee as follows:

**Capital Case Law Clerks
United States Courthouse – Rm. 830
312 N. Spring Street
Los Angeles, CA 90012**

(x) By mail, I caused said document to be placed in an envelope, with postage thereon fully prepaid, in the United States mail at Malibu, California, addressed to:

Paul Roadarmel, Esq.
Scott Taryle, Esq.
Deputy Attorneys General
Office of Attorney General of California
300 S. Spring St., Ste. 500
Los Angeles, CA 90013-1204

Manuel Mendoza
E-06400
San Quentin State Prison
San Quentin, CA 94974

Executed on December 7, 2005, at Malibu, California. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my personal knowledge.

DARLENE M RICKER